

AG/RES. 2928 (XLVIII-O/18)

PROMOTION AND PROTECTION OF HUMAN RIGHTS<sup>1/2/</sup>

(Adopted at the fourth plenary session, held on June 5, 2018)

THE GENERAL ASSEMBLY,

REAFFIRMING the norms and general principles of international law and the Charter of the OAS, international human rights law, and international humanitarian law, as well as the rights enshrined in the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, and other binding inter-American instruments on the subject, and the important role played by the organs of the inter-American human rights system in promoting and protecting human rights in the Americas;

RECALLING declarations AG/DEC. 71 (XLIII-O/13) and AG/DEC. 89 (XLVI-O/16); resolutions AG/RES. 2887 (XLVI-O/16); AG/RES. 2888 (XLVI-O/16) and AG/RES. 2908 (XLVII-O/17), as well as all previous resolutions adopted on this topic;

HAVING SEEN the Annual Report of the Permanent Council to the General Assembly June 2017-June 2018 (AG/doc.5613/18 add. 1), in particular the section on the activities of the Committee on Juridical and Political Affairs (CAJP); and

CONSIDERING that the programs, activities, and tasks set out in the resolutions within the purview of the CAJP help to further the essential purposes of the Organization enshrined in the Charter of the Organization of American States (OAS),

i. Strengthening of the Follow-up Mechanism for Implementation of the Protocol of San Salvador

HIGHLIGHTING that, to date, sixteen member states have ratified the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, (Protocol of San Salvador), Article 19 of which provides that the States Party undertake to submit periodic reports on the progressive measures they have taken to ensure due respect for the rights set forth in the Protocol, and that the corresponding rules were established by resolution AG/RES. 2074 (XXXV-O/05) and other subsequent resolutions;

BEARING IN MIND that at its regular meeting of December 13, 2017, the Permanent Council adopted document CP/doc.5363/17, updating the appendix “Composition and Functioning of the Working Group to Examine the National Reports Envisioned in the Protocol of San Salvador” to resolution AG/RES. 2262 (XXXVII-O/07); and

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1. Guatemala reaffirms that it has the sovereign right to enforce its Constitution and its domestic laws, taking into account its priorities and development plans, and in a way that is compatible ...
  2. Trinidad and Tobago is unable to join the consensus on this document, as some areas are contrary to the laws of the Republic. Trinidad and Tobago remains firmly committed to the promotion and ...

TAKING NOTE that the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (Protocol of San Salvador) was adopted on November 17, 1988; that 2018 marks the thirtieth anniversary of its adoption, and the importance of disseminating experience within the States Party of the progress indicators,

RESOLVES:

1. To commend the commitment and efforts of the States Party that met the deadlines for the presentation of national reports, and to request the States Party that have not yet done so to promptly submit the reports covering both groups of rights; and, in addition, to welcome the work of the Working Group to Examine the Periodic Reports of the States Parties to the Protocol of San Salvador (WGPSS) , which to date has concluded the evaluation process for the first group of nine States Party and the second group of three.

2. To invite member states to consider signing, ratifying, or acceding to, as applicable, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) and to invite member states and permanent observer states, as well as individuals or public or private institutions, whether national or international, as defined in Article 74 of the General Standards to Govern the Operations of the General Secretariat and other provisions of the Organization of American States, to contribute to the Specific Fund for the WGPSS. To call on the States Party to consider hosting in their countries the meetings of the Working Group as a means of supporting and disseminating its work, and to urge member states to consider allocating existing funds in the Regular Fund to this mechanism.

3. To adopt the appendix to resolution AG/RES. 2262 (XXXV-O/07), “Composition and Functioning of the Working Group to Examine the National Reports Envisioned in the Protocol of San Salvador” contained in document CP/doc.5363/17, and to invite the States Party to present candidacies to fill the vacancies referred to therein before the deadlines established.

4. To invite the States Party, agencies of the inter-American human rights system, specialized human rights organizations, civil society, and other social actors to support and participate in the event “Thirty Years of the Protocol of San Salvador: Commemorating and applying social rights in the region,” to be held on August 14-16, 2018, in the city of San Salvador, El Salvador, in the framework of which will take place the seventh session of the WGPSS.

ii. Human Rights Defenders

UNDERSCORING the member states’ commitment regarding the human rights of all individuals, including the right to defend and promote human rights; the important and legitimate work carried out by all those who peacefully protest, express their opinions, publicly denounce abuses and violations of human rights, provide rights education, and seek justice, truth, reparation, and non-repetition in response to human rights violations, among other activities for the promotion and protection of human rights,

RESOLVES:

1. To reiterate its support for the work carried out at the local, national, and regional levels by human rights defenders, and to recognize their valuable contribution to the promotion and protection of, and respect for human rights and fundamental freedoms in the Americas.

2. To invite member states to ratify the “Regional Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean” (Principle 10 of the Rio Declaration on Environment and Development), with a view to ensuring a safe and propitious environment in which individuals, groups, and organizations that promote and defend human rights in matters of the environment can work without threats, restrictions, attacks, and insecurity.

3. To call upon the member states to take all necessary steps to ensure comprehensive protection for defenders and their family members, giving particular consideration to the differentiated gender, race, ethnicity, and group approaches, and coordination with beneficiaries; and to combat impunity for attacks on human rights defenders, in order to create a climate conducive to the protection of rights and fundamental freedoms.

iii. Towards the defense of autonomous official public defenders as a safeguard of personal safety and liberty

RECALLING the adoption of the Regional Guidelines for Public Defender Systems and Comprehensive Protection for Persons Deprived of Their Liberty, the Handbooks for Monitoring Human Rights in Detention Centers by Public Defenders: General Visits and Individual Interviews, the Regional Handbook of Good Prison Practices, and the Regional Handbook: The Bangkok Rules as Key to Public Defense, all prepared by the Inter-American Association of Public Defender Offices (AIDEF), of which this General Assembly took note [AG/RES. 2887 (XLVI-O/16)];

RECALLING ALSO that the General Assembly took note of the Principles and Guidelines on Public Defense in the Americas, unanimously adopted by the Inter-American Juridical Committee (CJI) in resolution CJI/RES. 226 (LXXXIX-O/16) at its 89<sup>th</sup> regular session, held in Rio de Janeiro, Brazil, from October 3 to 14, 2016; and

TAKING NOTE of the report on Measures to Reduce Pretrial Detention in the Americas and the Practical Guide to Reduce Pretrial Detention adopted by the Inter-American Commission on Human Rights (2017), which underscore the advantages of immediately involving public defenders from the time of police apprehension and throughout the process to guarantee a more effective defense, reduce the duration of pretrial detention, and prevent the commission of acts of cruelty and torture during detention,

RESOLVES:

1. To encourage member states and official public defender institutions in the Americas in particular to consider, disseminate, and apply, in the exercise of their competence, the documents prepared by the Inter-American Association of Public Defender Offices (AIDEF), the Inter-American Juridical Committee, and the Inter-American Commission on Human Rights (IACHR) mentioned in

the preambular paragraphs above, and to encourage the official public defender institutions of the Americas to strengthen or establish mechanisms for detention center monitoring, especially to prevent and report cruel, inhuman, and degrading treatment during detention, incorporating a gender perspective and differentiated approaches for vulnerable persons and/or those who have historically been subject to discrimination.

2. To encourage member states and official public defender institutions to seek absolute respect for the work of public defenders in the exercise of their functions, free from interference and undue controls from the other branches of government, as a means to ensure the right of access to justice for all persons, especially those in vulnerable situations.

3. To urge member states and official public defender institutions in the Americas to ensure effective and equal access to justice for women, without discrimination of any kind.

iv. Right to Freedom of thought and expression, including on the Internet in electoral contexts

CONSIDERING that the exercise of the right to freedom of opinion and expression is one of the cornerstones of a democratic society and, during election periods, performs an essential function of holding political parties and leaders accountable, ensuring robust and open debate of matters of public interest, and safeguarding the right of citizens to receive information from a variety of sources for the exercise of their political rights and reaffirming the obligations of states to guarantee the enjoyment of human rights;

UNDERSCORING the importance of access to a variety of sources of information and ideas and opportunities to disseminate them, and that a variety of media should exist in a democratic society, and bearing in mind that the Internet has become a core medium for exercising freedom of expression and has increased people's ability to share information, ideas, and opinions instantaneously and without restrictions; and

CONCERNED over the dissemination of deliberately fake information, the use of disinformation campaigns via social media, and the improper use of personal data, including in electoral periods,

RESOLVES:

1. To affirm the obligation of member states to foster an environment conducive to the exercise of freedom of expression, including via the Internet, which includes taking steps to promote it that do not impair the freedom to seek, receive, and disseminate information, and to promote, protect, and support diverse means of communication in the digital environment.

2. To reiterate that it is important that States protect the right to privacy so as to prevent the misuse of personal data, including in electoral contexts in disinformation campaigns.

3. To request the Special Rapporteurship for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) to prepare, taking into account the contributions of the member states, the Department of Electoral Cooperation and Observation of the Secretariat for Strengthening Democracy, and the Department of International Law of the Secretariat for Legal

Affairs, among others, practical guidelines in the form of recommendations for guaranteeing freedom of expression and access to information from a variety of Internet sources during electoral processes without improper interference.

v. Protecting Human Rights and Fundamental Freedoms while Countering Terrorism

RECALLING that antiterrorism measures must be applied with full respect for international law and the human rights of all persons, including members of national, ethnic, religious, and linguistic minorities, and that they must entail no discrimination on any grounds, including race, color, sex, language, religion, political or other opinions, and national or social origin; and

RECOGNIZING that terrorism and violent extremism that leads to terrorism have harmful effects on the full enjoyment of all human rights and fundamental freedoms,

RESOLVES:

1. To call on member states, in a framework of respect for and observance of the human rights contained in the international instruments on the matter, to promote and implement at every level the United Nations Global Counter-Terrorism Strategy, bearing in mind that one of its pillars is ensuring respect for human rights, in order to move toward the common goal of eradicating the scourge of international terrorism, and to take into account the adoption, implementation, and application of the different international conventions and protocols on terrorism, as well as follow-up on United Nations Security Council resolutions 1373 (2001) and 1624 (2005).

2. To underscore the importance of ensuring access to justice and accountability, and to urge member states to see to it that anyone who claims that his or her human rights or fundamental freedoms have been violated by the measures adopted or the means used to combat terrorism or violent extremism that leads to terrorism has access to justice, fair-trial guarantees, and an effective remedy, and that the victims of human rights abuses and violations obtain adequate compensation and reparation.

3. To urge member states to reaffirm their solidarity with victims of terrorism and their families, and to recognize the importance of protecting their rights and offering them adequate support, assistance, and means of rehabilitation.

vi. Persons who have disappeared and assistance to members of their family<sup>3/</sup>

REAFFIRMING the responsibility of member states to continue making the necessary efforts to alleviate the suffering, anxiety, and uncertainty experienced by family members of disappeared persons as a result of situations of armed conflict, armed violence, migration, or natural disasters, among others, to respond to their diverse needs, satisfy their right to the truth and justice, and, if appropriate, ensure reparations for the harm caused;

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3. The United States understands that OAS resolutions do not change the current state of conventional or customary international law or impose legal obligations on States. Further, we do not read ...

RECALLING that forced disappearance is a multiple, continuous violation of various human rights, and its widespread or systematic practice constitutes a crime against humanity in accordance with applicable international law; and

HIGHLIGHTING the experience of various member states with mechanisms to meet the needs of family members, the development of forensic sciences and their important contribution to the search for disappeared persons, and the documents and tools introduced by the International Committee of the Red Cross (ICRC) and other organizations with experience in searching for disappeared persons and in responding to the needs of family members, as well as the minimum standards for psychosocial work proposed by the International Consensus on Principles and Minimum Standards for Psychosocial Work in Search Processes and Forensic Investigations in Cases of Enforced Disappearances, Arbitrary or Extrajudicial Executions,

RESOLVES:

1. To urge member states, in accordance with their obligations in the area of international humanitarian law and international human rights law, and taking into account existing jurisprudence on the subject, to continue to progressively adopt measures, including laws, protocols, guidelines, and other national provisions of a legal and institutional nature, to do the following:

- a. Prevent the disappearance of persons, with particular attention to persons related to vulnerable groups;
- b. Take up cases of disappeared migrants, and children and adolescents considered as disappeared persons, with a view to searching for them, identifying them, and, if possible, reuniting them with their families; and promote national coordination and regional cooperation in the areas of technical and judicial provisions;
- c. Clarify the whereabouts and the fate of disappeared persons to ensure a prompt response to family members, and consider the possibility of setting up mechanisms or entities, primarily with a humanitarian nature and vocation, to allow for a comprehensive, wide-scale investigation and, in the case of death, to prioritize the humanitarian objectives of recovery, identification, restitution, and decent disposal of the mortal remains, while at the same time complying with the obligations to investigate, prosecute, and punish the parties responsible for the disappearances;
- d. Meet the needs of the family members, including the truth about what occurred to their loved ones, recovery of the mortal remains and disposal of them, resolution of legal and administrative problems through comprehensive and affordable domestic legal processes, in which the legal situation of the disappeared persons is acknowledged through such measures as a “declaration of absence by disappearance,” provision of economic support, psychological and psychosocial care, access to justice, memorial and commemorative acts, and ensuring compensation and

reparations, among other services, giving consideration to the priorities of the family members;

- e. Preserve the mortal remains of unidentified and as yet unclaimed deceased persons, as well as post-mortem information on them, to safeguard the possibility of identifying them and delivering their mortal remains to their respective families at a later date;
- f. Guarantee the participation and representation of victims and their family members in the relevant processes, and their access to justice and to mechanisms to ensure full, fair, prompt, and effective reparations; similarly, guarantee provisions for the protection of victims and witnesses in criminal courts and in other transitional justice mechanisms whose security and personal safety is affected as a result of their denunciation of the crime of forced disappearance.
- g. Strengthen technical skills involved in the search, recovery, analysis of mortal remains and associated evidence, and the use of various forensic sciences, and support training of professionals in these sciences, for the identification of mortal remains, including cases related to migrants considered as disappeared persons, in accordance with best practices and internationally recognized scientific standards;
- h. Guarantee appropriate management of information, including information related to the personal data of disappeared persons and their families, by creating centralized databases to gather, protect, and manage the data in keeping with national and international legal standards and provisions.

2. To encourage member states to ratify or adhere to the Inter-American Convention on the Forced Disappearance of Persons and the International Convention for the Protection of All Persons from Enforced Disappearance, implement them through domestic laws; recognize the competence of the Committee against Forced Disappearance; share experiences and best practices; strengthen international cooperation and exchanges of information; and support the participation and technical assistance of international and national institutions with recognized experience in the search for disappeared persons. In addition, invite member states to continue their cooperation with the International Committee of the Red Cross (ICRC), facilitating its work and honoring its technical recommendations, with a view to consolidating the measures adopted by member states to search for disappeared persons and meet the needs of their family members.

3. To encourage member states to promote national adoption of measures related to the provisions of resolution AG/RES. 2134 (XXXV-O/05) on “Persons Who Have Disappeared and Assistance to Members of their Family” and subsequent resolutions on the subject adopted by the General Assembly and to provide information on the subject, and instruct the Committee on Juridical and Political Affairs (CAJP) to ensure that this information is circulated prior to the forty-ninth regular session of the OAS General Assembly.

4. To invite member states to consider promoting the legal and institutional measures applicable to disappeared persons and their family members in accordance with the resolutions on the subject adopted by the General Assembly, in the framework of the United Nations Global Compact for Safe, Orderly, and Regular Migration and the UN Global Compact on Refugees, as well as, where pertinent, regional consultative processes on migration.

vii. The power of inclusion and the benefits of diversity

RECALLING that all human rights are universal, indivisible, interdependent, and inter-related; that everyone is entitled to enjoy these rights equally and without distinction; and that the principle of non-discrimination guarantees the exercise of these rights without discrimination of any kind;<sup>4/</sup>

NOTING WITH ALARM that there continue to be reports from across the region regarding acts and expressions of exclusion, xenophobia, racism, and discrimination in its multiple forms; and

REAFFIRMING that the inherent dignity and the equal and inalienable rights of all members of the human family are the foundation of freedom, justice and peace, and that social inclusion is an essential precondition to the full realization of human dignity, respect for human rights, sustainable development and lasting peace in our democratic societies;<sup>5/</sup>

RESOLVES:

1. To recognize inclusion as the full and meaningful participation of all persons, without discrimination of any kind, in economic, social, cultural, civic, and political life.

2. To reaffirm that inclusion is a precondition to the full realization of every person's unique potential and that inclusive democratic societies recognize and respect diversity as a source of strength and cherish such diversity as an asset for the advancement and welfare of their populations.

3. To urge member states to continue their efforts towards building more inclusive communities that cement respect for the inherent dignity of the person and that foster a greater degree of economic, social, cultural, civil, and political well-being for all by:

Taking steps to design and implement inclusive legislation and public policies, programs, services, and institutions across all sectors, including progressive reviews of existing systems, conducive to removing existing barriers to inclusion and building sustainable democratic societies;

Promoting a culture of inclusion that respects diversity, through political leadership and an enabling environment for civil society, championing initiatives

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4. The United States reaffirms its understanding that OAS resolutions do not change the current state of conventional or customary international law or impose legal obligations on States.

5. The United States recognizes that, while social inclusion and respect for human rights may be mutually reinforcing, the lack of social inclusion...



that bridge differences and foster understanding and mutual respect among those from different backgrounds, perspectives, and identities.

4. To request the CAJP to organize, within existing resources, a special meeting where member states may share lessons learned and exchange good practices to advance the goals of this resolution, and to present the results of that meeting to the Permanent Council prior to the forty-ninth regular session of the General Assembly.

viii. Human rights and the environment

RECOGNIZING that human beings are at the center of concerns for sustainable development, that this must be achieved in such a way as to equitably meet the development, social, and environmental needs of present and future generations, that sustainable development demands healthy ecosystems, and that the human being is the central subject of the development process and should be an active participant in it;

RECALLING United Nations General Assembly resolution 70/1 of September 25, 2015 entitled “Transforming our world: the 2030 Agenda for Sustainable Development,” which adopted a wide-ranging set of Sustainable Development Goals in order to fully implement the Agenda by 2030, with the commitment to achieve the three dimensions of sustainable development—economic, social, and environmental—in a balanced and integrated way;

REAFFIRMING the commitment of the OAS member states to Principle 10 of the 1992 Rio Declaration on Environment and Development, which recognizes that environmental issues are best handled with the participation of all concerned citizens;

TAKING NOTE that Article 11 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights provides that everyone shall have the right to live in a healthy environment and to have access to public services, and that the States Party shall promote the protection, preservation, and improvement of the environment;

BEARING IN MIND the role of the IACHR Special Rapporteur on Economic, Social, Cultural, and Environmental Rights and of the Working Group to examine the national reports called for in the Protocol of San Salvador;

RECALLING the work done by the OAS in this area, including the Model Inter-American Law on Access to Public Information; and

UNDERSCORING the fundamental importance to the sustainable development of the countries of the region of having broad, inclusive, and informed mechanisms for participation,

RESOLVES:

1. To welcome the adoption of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin American and Caribbean in Escazú, Costa Rica on March 4, 2018.

2. To urge member states to address compliance with their human rights commitments and obligations relating to the enjoyment of a healthy environment, with a view to achieving the objectives and goals of Agenda 2030 for Sustainable Development.

3. To invite all of the countries of Latin America and the Caribbean to consider acceding to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, which will be opened for signature on September 27, 2018, in New York City.

ix. Follow-up on recommendations of the Inter-American Commission on Human Rights

RECOGNIZING the essential value of the role played by the IACHR in the promotion and protection of human rights in the Hemisphere and urging member states to follow up on its recommendations in light of resolution AG/RES. 2672 (XLI-O/11);

BEARING IN MIND that the Monitoring System for International Recommendations on Human Rights (SIMORE), a mechanism developed by the Republic of Paraguay, in collaboration with the Office of the United Nations High Commissioner for Human Rights, has been a successful tool in implementing international recommendations, which is held as good practice; and

TAKING NOTE that the SIMORE has been replicated throughout the region in countries such as Uruguay, Chile, Honduras, the Dominican Republic, and Guatemala, and of the Memorandum of Understanding for the Exchange of Experiences and Technical Cooperation signed between the Ministry of Foreign Affairs of Paraguay and the IACHR,

RESOLVES:

1. To recognize the IACHR for the initiative to put a digital system into operation to follow up on recommendations through its 2017-2021 Strategic Plan, and to urge it to continue building its capacity to follow up on its recommendations, taking into account the member states' practice in the subject area.

2. To urge the member states to strengthen their institutional capacity to follow up on and implement the inter-American human rights system's decisions and recommendations, while promoting the exchange of experiences and best practices and inviting them to consider the use and development of tools such as SIMORE, among other mechanisms to which the states are party.

x. Follow-up on the Inter-American Program for Universal Civil Registry and the "Right to Identity"

CONSIDERING that the recognition of people's identities facilitates the exercise of the right to a name, to nationality, to civil registration, to family relations, and to legal personality, together with other rights enshrined in such international instruments as the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights, and understanding that the exercise of those rights is essential for the consolidation of any democratic society;

CONSIDERING ALSO that Goal 16, promote peaceful and inclusive societies, of the 2030 Agenda for Sustainable Development includes target 16.9, “By 2030, provide legal identity for all, including birth registration”;

RECOGNIZING the work carried out by the Universal Civil Identity Program in the Americas (PUICA) to support member states in their efforts to reduce the under-registration of births in the region;

TAKING INTO ACCOUNT that the PUICA was selected as the 2018 chair of the Global Civil Registration and Vital Statistics Group, which comprises 20 global and regional organizations;

TAKING INTO ACCOUNT ALSO that 2018 marks the tenth anniversary of the adoption of the Inter-American Program for Universal Civil Registry and the “Right to Identity” by means of resolution AG/RES. 2362 (XXXVIII-O/08); and

TAKING NOTE that the Latin America and Caribbean Council for Civil Registration, Identity, and Vital Statistics (CLARCIEV), for which the OAS General Secretariat serves as the Executive Secretariat, is the institutional forum that, since 2005, has been promoting the registration of births in the region, through interinstitutional ties and exchanges of knowledge and experiences among agencies responsible for civil registration, documentation, and vital statistics,

RESOLVES:

1. To instruct the General Secretariat, through its Universal Civil Identity Program in the Americas (PUICA), to continue providing assistance to those member states that so request for the strengthening of their civil registration systems in order to ensure the universal registering of births, deaths, and other changes in civil status, and of interconnections between registration systems and national identity systems in order to ensure legal identity for everyone, and thereby strengthen the protection of all human rights, particularly those of populations that are vulnerable and/or historically subject to discrimination, and allow universal and equitable access to essential public services.

2. To urge all member states to promote the access of all persons to key identity documents by implementing effective and interoperable civil registration and vital statistics systems, including simplified, free, and nondiscriminatory procedures that respect cultural diversity, taking particular care with the protection of personal information and following an approach that is aware of gender, rights, and diversity.

3. To instruct the Permanent Council to convene a special meeting in the second half of 2018 to review the implementation status of the Inter-American Program for Universal Civil Registry and the “Right to Identity” on its tenth anniversary, based on information provided by the member states and on a progress report prepared by the General Secretariat. That meeting may include contributions from experts in the field, and from organs, agencies, and entities of the inter-American and international systems.

xi. Administration of justice and human rights

RECOGNIZING the critical importance of the human-rights perspective in the administration of justice;

REAFFIRMING that the human rights perspective in the administration of justice is essential for access to justice for all, especially for potential victims and effective judicial protection of them, which has a favorable impact on the enjoyment of other rights, and

UNDERSCORING the need to continue promoting and supporting the adoption by judiciaries of performance standards with a human-rights perspective, particularly in the processes of reform of the justice administration systems that are being designed and implemented in the countries of the region,

RESOLVES:

1. To create a space in the CAJP for sharing experiences, best practices, and challenges in the area of the administration of justice with a human rights perspective.

2. To request the IACHR and the Justice Studies Center of the Americas (JSCA), within the framework of their authority and subject to available resources, to cooperate with member states that so request in strengthening the human rights perspective in the administration of justice in accordance with their domestic law and in a manner consistent with their obligations and commitments.

xii. Human rights and prevention of discrimination and violence against LGBTI persons  
6/7/8/9/10/11/12/13/

RECOGNIZING the efforts undertaken by member states to address discrimination against vulnerable groups, consistent with their international human rights obligations, in the framework of the development plans and public policies of each state;

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6. The Republic of Paraguay reiterates its commitment to the principles of the Universal Declaration of Human Rights and international conventions signed on the topic, and it reaffirms...
  7. The State of Guatemala declares that it promotes and defends all human rights. With respect to the provisions of this section, it reaffirms the equality of all human beings under the provisions of ...
  8. Saint Lucia cannot accept this section, as it does not conform to its domestic laws. Furthermore, this section contains terminology not yet accepted internationally and remain undefined in ...
  9. The Government of Jamaica is fully committed to protecting the human rights of all its citizens including from any form of violence in accordance with the rule of law....
  10. The Government of Suriname remains committed to promoting and defending human rights for all and, based on the principle of equality, all who are within the territory of Suriname have an equal ...
  11. Saint Vincent and the Grenadines is unable to join consensus on the approval of this section of the resolution. Saint Vincent and the Grenadines promotes and defends human rights and reaffirms ...
  12. The Government of Barbados states that this section of the resolution contains a number of issues and terms which are neither reflected in its national laws nor the subject of national consensus. ...
  13. Honduras declares its commitment to human rights and places on record its reservation to any part of the contents of this resolution that might be contrary to its Constitution.

TAKING INTO ACCOUNT that, despite such efforts, lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons continue to be subjected to various forms of violence and discrimination based on their sexual orientation, gender identity or expression.

RECOGNIZING that many challenges remain regarding the promotion and protection of the human rights of LGBTI persons; and taking into consideration the important work carried out by the IACHR Rapporteurship and the Department of Social Inclusion of the General Secretariat on the matter;

RECALLING the report “Violence against Lesbian, Gay, Bisexual, Trans, and Intersex People in the Americas,” approved by the IACHR in November 2015,

RESOLVES:

1. To condemn discrimination and acts of violence on the basis of sexual orientation, gender identity or expression that occur in our Hemisphere.

2. To urge member states, within the parameters of their domestic justice institutions, to continue to strengthen their institutions and public policies focused on preventing, investigating, and punishing acts of violence and discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, and to ensure that victims of discrimination and violence enjoy access to justice and appropriate remedies under conditions of equality.

3. To urge member states within the parameters of their justice institutions to adopt measures to eliminate the barriers faced by LGBTI persons in equitable access to political participation and other aspects of public life and to avoid interference in their private lives.

4. To encourage member states to consider producing and collecting data on violence and discrimination based on sexual orientation, gender identity, or gender expression in order to contribute to the preparation of effective public policies to prevent and respond to violence and discrimination suffered by LGBTI persons.

5. To urge member states to ensure adequate protection for human rights defenders working on issues related to acts of violence, discrimination, and human rights violations committed against LGBTI persons.

6. To urge member states to afford appropriate protection to intersex people and to implement policies and procedures, as appropriate, to ensure medical practices that are consistent with recognized human rights standards.

7. To request the IACHR and the General Secretariat to continue to pay particular attention to activities related to protection and promotion of the human rights of LGBTI persons, including the preparation of studies and regional or thematic reports and to promote exchanges of good practices; and to urge member states to support the efforts of the IACHR and the General Secretariat in that connection.

xiii. Follow-up on the American Declaration on the Rights of Indigenous Peoples and on the Plan of Action on the American Declaration on the Rights of Indigenous Peoples (2017-2021)<sup>14/</sup>

BEARING IN MIND the American Declaration on the Rights of Indigenous Peoples and the Plan of Action on the American Declaration on the Rights of Indigenous Peoples (2017-2021);

TAKING NOTE of the First Meeting of Ibero-American High-Level Authorities and Indigenous Peoples, which adopted the Iximuleu Declaration and the Ibero-American Action Plan for the Implementation of the Rights of Indigenous Peoples; and

APPLAUDING the adoption of the resolution CP/RES. 1094 (2144/18) “Inter-American Indigenous Peoples Week” by the Permanent Council,

RESOLVES:

1. To urge the member states, the General Secretariat, and the institutions of the Organization of American States (OAS) to take all the necessary steps to implement the American Declaration on the Rights of Indigenous Peoples and the Plan of Action on the American Declaration on the Rights of Indigenous Peoples (2017-2021).

2. To request the General Secretariat, through the Secretariat for Access to Rights and Equity, to create a Voluntary Contributions Specific Fund to support implementation of the American Declaration on the Rights of Indigenous Peoples and the Plan of Action on the American Declaration on the Rights of Indigenous Peoples (2017-2021), and the activities to commemorate Inter-American Indigenous Peoples Week.

3. To encourage the member and permanent observer states to contribute to the Voluntary Contributions Specific Fund to support implementation of the American Declaration on the Rights of Indigenous Peoples and the Plan of Action on the American Declaration on the Rights of Indigenous Peoples (2017-2021).

4. To entrust the General Secretariat with organizing, under the banner of Inter-American Indigenous Peoples Week, a meeting of high-level authorities of member states responsible for policies toward indigenous peoples, with representatives of indigenous peoples of the Americas, with the participation of representatives of the indigenous peoples of the Americas and other international and regional agencies, to promote opportunities for dialogue on challenges in connection with the rights of indigenous peoples and to consider options for the mandate, format, and costs of the potential mechanism for institutional follow-up of the American Declaration on the Rights of Indigenous Peoples as set forth in its Plan of Action.

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14. The United States does not join consensus on this section of the resolution, consistent with our persistent objections to the American Declaration on the Rights of Indigenous Peoples ...

- xiv. Strengthening the Inter-American Commission of Women for the promotion of gender equity and equality, the human rights of women and girls, and ending discrimination and all forms of violence against them

RECOGNIZING the importance that the OAS has placed on gender equality and equity, the empowerment of women and girls, and the full exercise of their human rights, as well as on strengthening the Inter-American Commission of Women (CIM), including providing it with sufficient human and financial resources to accomplish its mandates, as the main forum for generating hemispheric policies to support those objectives;

REAFFIRMING the member states' acquired commitments in connection with the empowerment of women and girls for the full enjoyment of their human rights and the importance of continued progress toward gender equality; and

RECOGNIZING the efforts made by the CIM, civil society, and women's rights defense groups to promote and protect gender equality, further the empowerment of women and girls of the Americas in all their diversity, and eradicate violence against them,

RESOLVES:

1. To congratulate the Inter-American Commission of Women (CIM) on the progress made over its ninety years of work and to continue to support its efforts to meet its objectives and discharge its functions by dealing with topics of particular concern, especially: (i) the leadership and representation of women in all areas for strengthening democratic governance; (ii) the prevention of child, early, and forced marriages and unions; (iii) the promotion of the empowerment and economic autonomy of women and girls; (iv) outreach to promote gender equality and human rights; and (v) the protection of the right to equal gender treatment.

2. To follow up, through the corresponding committees, on the objectives set out in the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (IAP) and the CIM 2016-2021 Strategic Plan, adopted by the thirty-seventh Assembly of Delegates of the CIM, particularly with respect to gender mainstreaming in all OAS activities and, as a matter of priority, at ministerial meetings, at the OAS General Assembly, and in preparations for and follow-up on the Summits of the Americas.

3. To recognize the creation of the Inter-American Task Force on Women's Empowerment and Leadership and to instruct the CIM to serve as Technical Secretariat of the Task Force; in addition, to encourage member states to promote women's leadership at all levels and in all areas of public, political, and civil life as well as in the private sector, in order to strengthen democratic governance, and to consider supporting the Task Force and its specific initiatives.

4. To take note of the increase in the OAS budgetary allocation for the CIM that was approved at the forty-seventh regular session of the OAS General Assembly in 2017, and to request that the General Secretariat ensure it sufficient human and financial resources to carry out its

mandates. Similarly, to encourage member states, permanent observers, and other entities to make voluntary contributions.<sup>15/</sup>

xv. Strengthening the Follow-up Mechanism on the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (MESECVI)

RECALLING that the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) establishes the duty of the States Party to pursue, by all appropriate means and without delay, policies and programs to prevent, punish, and eradicate discrimination and violence against women and girls in the public and private spheres; and mindful that it is important and necessary to strengthen the Convention's follow-up mechanism, the MESECVI; and

TAKING NOTE of the Third Hemispheric Report on the Implementation of the Convention of Belém do Pará and the recommendations contained therein,

RESOLVES:

1. To reaffirm its commitment to strengthening the Follow-up Mechanism on the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (MESECVI) and its Committee of Experts, and to follow up on the full implementation of the Convention of Belém do Pará by promoting gender equality and the empowerment of women and girls by addressing the multiple and intersectional forms of discrimination and violence suffered by women belonging to vulnerable groups, and by reiterating the importance of exchanges of good practices and challenges, among all the States Party, in this Third Multilateral Evaluation Round.

2. To note the adoption of the MESECVI Strategic Plan for 2018-2023, document MESECVI-II-CE/doc.133/18 rev. 1, the axes of which are: (1) Strengthening the institutional framework of the MESECVI; (2) Contributing to the strengthening of the MESECVI States Party's technical capacities for implementing the Convention of Belém do Pará from an approach based on intersectionality and the human rights of women throughout their entire life cycle, with emphasis on prevention and redress; (3) Assisting the States Party in identifying intersectoral responses to issues related to violence against women; and (4) Raising the awareness of society as a whole regarding violence against women; and to request that the MESECVI Technical Secretariat and the agencies of the MESECVI follow up on it for the Mechanism's effective strengthening.

3. In keeping with the recommendations contained in the Third Hemispheric Report on the Implementation of the Convention of Belém do Pará, to insist on the importance of earmarking by member states of adequate budgets for the prevention of violence against women and for victim attention, in particular for the creation and strengthening of comprehensive protocols for victims of sexual violence.

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15. While Brazil acknowledges and supports the work of the CIM, it understands that any budget allocations must be examined in the context of the coming special session of the General Assembly.



4. Further to the Hemispheric Report of the MESECVI Committee of Experts on sexual violence and child pregnancy, and recognizing the efforts made by the states party to address this problem, to request that the MESECVI Committee of Experts prepare a practical guide for action that incorporates the legislation and good practices that are being implemented in the region in connection with the topic.<sup>16/</sup>

5. To request that the MESECVI Technical Secretariat promote and support the organization of dialogues among competent national authorities and the MESECVI Committee of Experts on progress and challenges with relevant topics related to the strengthening, implementation, and dissemination of the Convention of Belém do Pará, as agreed at the Seventh Conference of MESECVI States Party.

6. To reiterate to the General Secretariat the importance of equipping the MESECVI Technical Secretariat with the human, technical, and financial resources needed for its optimal functioning, including regular updates of information on web sites and social networks, for which purpose it is essential that sources of external funding be identified.

xvi. Observations and Recommendations on the 2017 Annual Report of the Inter-American Commission on Human Rights

RECOGNIZING the work of the IACHR in fulfilling its function of promoting the observance, defense, and promotion of human rights and of serving as a consultative organ in those matters, particularly as regards the development of human rights protection standards on issues such as equality and nondiscrimination, among others; taking note of its thematic country and individual case reports; the adoption of resolutions containing general recommendations, such as resolution 1/17, “Human Rights and the Fight Against Impunity and Corruption”; organizing observation and working visits; implementing mechanisms that seek to provide an integrated and timely response to human rights violations through monitoring of the situation of human rights in the region; and expanding technical assistance through new cooperation agreements;

HIGHLIGHTING the advances made in updating the system of individual cases and petitions and the friendly settlement mechanism to facilitate access to justice for victims of human rights violations; the convening of public hearings; the conduct of promotional and training activities in human rights, such as the Forum of the Inter-American Human Rights System;

TAKING NOTE OF the report of the first year of the implementation of the 2017-2021 Strategic Plan presented by the IACHR and the results achieved in its five strategic objectives and 21 programs, which placed special emphasis on institutional development and results-based management in order to strengthen the capacities of the IACHR for the full implementation of its mission and mandates for the defense, promotion, and protection of human rights in the Hemisphere, by creating the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights as well as the Unit on Memory, Truth and Justice, the Unit on Older Persons, and the Unit on Persons with Disabilities;

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16. The United States cannot associate itself with this section of the resolution because we are not a party to the Convention of Belem do Para. Nevertheless, the U.S. Government remains strongly ...

RECOGNIZING the support of Argentina, Peru, Mexico, and Uruguay for the holding of periods of sessions of the IACHR away from its headquarters, which allowed the IACHR to expand its public presence in those countries, enabling greater participation of civil society and state agents, as well as the examination of a greater number of issues by the IACHR and the holding of working meetings between parties; and

CONSIDERING that compliance with the recommendations and decisions of the agencies of the inter-American human rights system, as applicable, is one of the central elements in ensuring the full effect and observance of human rights in member states and in contributing to the consolidation of that system's legitimacy,

RESOLVES:

1. To reaffirm member states' commitment to the IACHR.
2. To encourage those member states that have not yet done so to consider signing, ratifying, or acceding to all the inter-American human rights instruments, particularly the American Convention on Human Rights.
3. To reaffirm its commitment to attaining full financing of the IACHR through the OAS Regular Fund and to continue implementing the decision taken by resolution AG/RES. 2908 (XLVII-O/17), xvi. Financing of the organs of the inter-American human rights system from the program-budget of the Organization for 2018. Until that commitment is fulfilled, to invite member states, permanent observers, and other institutions to continue making voluntary contributions, including to the Legal Assistance Fund for alleged victims and petitioners who turn to the case and petitions system. In that context, to encourage member states to evaluate the possibility of continuing to invite the Commission to conduct observation and working visits and to hold special sessions in the member states. In addition, to encourage the IACHR to continue submitting the report on its finances and resources that it customarily includes in its annual report, and to use the information contained therein in the financial statements it presents in its progress reports on implementation of the Strategic Plan 2017-2021.

xvii. Observations and Recommendations on the 2017 Annual Report of the Inter-American Court of Human Rights

RECOGNIZING that the Inter-American Court of Human Rights is the region's only human rights tribunal and that compliance with its judgments and decisions is mandatory for states that recognize its jurisdiction; and

UNDERSCORING the importance of the Inter-American Court in the effective promotion and protection of human rights in the Hemisphere, through the performance of its adjudicatory and advisory functions,

RESOLVES:

1. To recognize the contribution of the jurisprudence of the Inter-American Court of Human Rights, developed through contentious cases and advisory opinions for effective enforcement

and observance of human rights in the Hemisphere and of the rule of law, emphasizing as well its work in monitoring compliance with judgments; and to urge the member states to comply with its judgments in a timely manner.

2. To encourage member states to continue extending invitations to the Inter-American Court for it to meet away from its headquarters, insofar as it is an important mechanism for disseminating the inter-American system for protection of human rights in the region.

3. To reaffirm its commitment to attaining full financing of the Court through the OAS Regular Fund and to continue implementing the decision taken by resolution AG/RES. 2908 (XLVII-O/17), xvi. Financing of the organs of the inter-American human rights system from the program-budget of the Organization for 2018. Until that commitment is fulfilled, to invite member states, permanent observers, and other institutions to continue making voluntary contributions, within their capabilities, to the Court. Member states and other institutions are also invited to continue to make contributions, within their capabilities, to the Legal Assistance Fund for Victims.

xviii. Gender equity and balanced geographic and legal-system representation on the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights

UNDERSCORING the importance of ensuring balanced gender representation, equitable geographic distribution, and representation of the different legal systems on the Inter-American Commission on Human Rights (IACHR) and the Court, ensuring full and equitable access by men and women in keeping with the principles of impartiality, independence, and non-discrimination so that they can continue to carry out their mandates effectively; and

CONSIDERING that a balanced integration of gender and an equitable geographic distribution, as well as of different legal systems on the Court and the IACHR, will result in sound treatment of the topics and problems in the region, in the areas of prevention, promotion, protection, and guarantee of human rights, with special attention to the IACHR's rapporteurships, among others,

RESOLVES:

1. To encourage member states, when selecting judges of the Court and commissioners of the IACHR, to ensure balanced gender representation and equitable regional geographic representation, and of population groups and legal systems of the Hemisphere, while guaranteeing the requirements of independence, impartiality, and recognized competence in the field of human rights.

2. To instruct the Permanent Council to invite the candidates proposed by member states for the position of judge on the Court or commissioner on the IACHR to deliver a public presentation to describe their vision, proposals, and initiatives. Such presentations should be made at the same meeting of the Permanent Council and be disseminated as widely as possible.

3. To instruct the CAJP to include follow-up on this topic in its 2017-2018 work program by holding a working meeting to share best practices in the nomination and selection of candidates to the IACHR and the Court, as appropriate, with a view to promoting in both institutions gender parity and balance among the different regions and legal systems of the Hemisphere.

4. To instruct the Permanent Council to prepare a proposal to implement gender parity in the Court's and the IACHR's composition, and to present it to the General Assembly at its forty-ninth regular session.

xix. Recognition and Promotion of the Human Rights of People of African Descent in the Americas

BEARING IN MIND the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance and the Plan of Action for the Decade for People of African Descent in the Americas (2016–2025);

TAKING NOTE of the report of the Secretariat for Access to Rights and Equity on the implementation of the Plan of Action for the Decade for People of African Descent in the Americas (2016-2025);

APPLAUDING the adoption by the Permanent Council of the resolution “Inter-American Week for People of African Descent in the Americas,” CP/RES. 1093 (2144/18); and

TAKING NOTE of the First Inter-American Meeting of high-level policy authorities for people of African descent, to be held in the city of Lima, Peru, from June 11-13, 2018,

RESOLVES:

1. To urge member states, the General Secretariat, and OAS institutions to adopt the necessary measures for implementing the Plan of Action for the Decade for People of African Descent in the Americas (2016-2025) and to mark Inter-American Week for People of African Descent in the Americas.

2. To invite the member states to consider the creation of an Inter-American Network of high-level policy authorities on people of African descent, in order to establish ongoing cooperation among national policy authorities for the subject area.

3. To request that the General Secretariat, through the Secretariat for Access to Rights and Equity, establish a specific fund for voluntary contributions to support the implementation of the Plan of Action for the Decade for People of African Descent in the Americas (2016-2025) and the activities to commemorate Inter-American Week for People of African Descent in the Americas.

4. To encourage member states and permanent observers to contribute to the specific fund for voluntary contributions to support the implementation of the Plan of Action for the Decade for People of African Descent in the Americas (2016-2025).

5. To call upon member states that have not yet done so to consider signing, ratifying, or acceding to, as appropriate, the inter-American human rights instruments, including the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance, as well as the Inter-American Convention against All Forms of Discrimination and Intolerance.

xx. Updating the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities and Support to the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities

BEARING IN MIND the commitments made by the member states with respect to promoting the rights of persons with disabilities in the Americas, as enshrined in the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities (CIADDIS) and the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (PAD), among others, as well as the necessary revision and update of the contents of said Program in line with the shift in paradigm from a medical model to a social model, recognizing persons with disabilities as the subjects of rights in a framework of full respect for human diversity;

HAVING RECEIVED the results of the mixed-membership Working Group of the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities (CEDDIS) regarding updating the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (PAD); and

TAKING NOTE of the regional perspective report submitted by CEDDIS on the progress achieved and difficulties recorded in implementing the CIADDIS, distributed as document CP/CAJP/INF.470/18,

RESOLVES:

1. To approve the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities 2016-2026 (PAD), contained in Annex 1 of the present resolution.

2. To entrust the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities (CEDDIS) with the task of establishing a mixed-membership working group comprised of its members, experts from civil society organizations, and persons with disabilities and other social stakeholders, in order to support CEDDIS' monitoring of the hemispheric implementation of the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities 2016-2026 (PAD).

3. To urge the CEDDIS, in the process of following up on the implementation of the PAD, to continue developing, along with the Working Group to Examine the National Reports Called for in the Protocol of San Salvador and the MESECVI, indicators to review and verify achievement of the goals of the CIADDIS-PAD.

4. To encourage the member states that are not party to the CIADDIS to adhere to and ratify said Convention for the purpose of stepping up regional efforts in the area of inclusion of persons with disabilities and, at the same time, to reiterate the importance of making voluntary contributions to the Specific Fund for the CEDDIS [CP/RES. 947 (1683/09)], established for the purpose of supplementing the funding of the activities of CEDDIS and its Technical Secretariat, as well as to urge the states party to make further efforts to implement the recommendations made by

the CEDDIS in its assessments by area of action to the national reports on the implementation of the CIADDIS-PAD.

5. To recognize the work of the Department of Social Inclusion and instruct it, as the Technical Secretariat of CEDDIS and the area in charge of promoting social inclusion programs, projects, and initiatives for persons with disabilities, to continue, in coordination with member states, disseminating and promoting the rights of this collective group and its full participation in all areas of society, and to reiterate the request to the General Secretariat to make the greatest of efforts to mainstream the perspective of including persons with disabilities, using a human rights-based approach.

xxi. Human rights and business

EMPHASIZING that member states have an obligation and a primary responsibility to promote and protect human rights and fundamental freedoms against abuses perpetrated in their territory by third parties, including corporations;

RECOGNIZING that companies have the capacity to contribute to economic wellbeing, development, technological progress, and wealth, as well as the responsibility to respect human rights;

TAKING NOTE of the reports prepared on this subject by the CJI and the IACHR as well as the resolutions on the matter adopted by the General Assembly of the OAS;

TAKING NOTE ALSO of UN Human Rights Council resolution 17/4, of June 16, 2011, adopting the Guiding Principles on Business and Human Rights; and

TAKING NOTE FURTHER of resolution 26/9, "Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights," adopted by the UN Human Rights Council on June 14, 2014,

RESOLVES:

1. To underscore the importance of continuing to make progress on the topic of human rights and business and therefore to invite member states to continue strengthening their national initiatives, as well as multilateral initiatives on the matter at the regional and global levels, and to consider their participation in the various forums where the matter is discussed through constructive dialogue among all actors involved, whether from the public sector, private sector, or civil society.

2. To request the Permanent Council, through the CAJP, to include on its agenda by the first quarter of 2019, the issue of human rights and business, adopting a broad and participatory vision that brings together different actors, including academia, international organizations, civil society, other social actors, and businesses, with a view to stimulating exchange of information and good practices among member states.

3. To request that the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (ESCER) give a presentation at the meeting of the CAJP on the subject, on

the progress of the consultations and work to prepare the report on Human Rights and Business: An Inter-American Standard.

xxii. Rights of the Child

CONSIDERING the demographic profile and socioeconomic characteristics of the region, where a high percentage of children, or a significant number of them, are born into and develop in unfavorable environments characterized by multiple forms of poverty, violence, and instability;

BEARING IN MIND the legal obligations and the ethical imperative of providing children and adolescents in the region with the minimum conditions necessary for their full development during the different stages of the life cycle through which they must transition to reach adulthood with the capacity to exercise full citizenship;

MINDFUL of the inextricable link between the guarantee of rights, comprehensive protection of new generations, and the consolidation and deepening of democracies; and

RECOGNIZING the important work being done by the Inter-American Children's Institute (IIN) as the OAS agency specializing in child and adolescent policy, through the provision of technical assistance to member states to build their capacities to promote and protect rights through comprehensive, universal, and inclusive policies,

RESOLVES:

1. To encourage participation by children and adolescents in promoting and protecting their rights, facilitating dialogue with the authorities of the respective member states and creating opportunities for intergenerational participation and dialogue within the entities of the Organization of American States. To that end, to promote opportunities for dialogue among subregional and regional organizations for the advancement of children and adolescents, experience-sharing, and horizontal cooperation actions among member states.

2. To promote the inclusion of human rights, especially the rights of the child, in primary education curricula, providing thematic training and instruction for teachers in those member states that so request.

xxiii. Strengthening the mechanisms for protection and solutions in the context of the human rights of refugees<sup>17/</sup>

STRESSING the commitment undertaken by the countries of Latin America and the Caribbean in the Brazil Declaration and Action Plan, which were adopted on December 3, 2014 and include responsibilities in terms of comprehensive, complementary, and sustainable solutions for refugees, including the solidarity settlement program, and others;

UNDERSCORING the recent triennial evaluation of the Brazil Declaration and Plan of Action by the countries and territories of Latin America and the Caribbean, as well as The 100

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17. The Government of the Republic of Nicaragua is unable to support the reference to the San José Action Statement, adopted on July 7, 2016, or to the San Pedro Sula Declaration, which agreed on ...

Points of Brasilia (2018), which highlight regional cooperation and the shared responsibility to find solutions to protection needs in the region;

REAFFIRMING the importance of the Comprehensive Refugee Response Framework (CRRF), which was adopted by the member states through the New York Declaration for Refugees and Migrants, and of their participation in the process toward the adoption of a “global compact on refugees,” which will conclude at the United Nations General Assembly in 2018;

TAKING NOTE of the San José Action Statement, adopted on June 7, 2016;

TAKING NOTE ALSO of the San Pedro Sula Declaration, through which Belize, Costa Rica, Guatemala, Honduras, Mexico, and Panama agreed upon the Comprehensive Regional Protection and Solutions Framework (MIRPS) as a regional application of the Comprehensive Refugee Response Framework; and

TAKING NOTE FURTHER that the 100 Points of Brasilia considers the MIRPS as a dynamic, pioneering subregional initiative that represents a practical application of the Comprehensive Refugee Response Framework and contributes to the development of the Global Compact on Refugees,

RESOLVES:

1. To reaffirm the importance of furthering strategic and collaborative alliances and of promoting a partnership approach among all interested stakeholders in the implementation of comprehensive protection responses and durable solutions, which include states, the OAS, the United Nations system, development actors such as the World Bank, the Inter-American Development Bank, and the Central American Integration System (SICA), civil society and other social actors, asylum seekers, refugees, internally displaced persons, and returnees with protection needs.

2. To underscore the importance of regional mechanisms of cooperation and shared responsibility in addressing the protection situation of refugees, with solidarity and financial and technical cooperation from the international community and to identify lasting solutions and the application of complementary forms of protection and solutions such as solidarity resettlement, humanitarian visas, the Protection Transfer Arrangement, family reunification, inclusion, and labor mobility programs to help to effectively integrate them locally.<sup>18/</sup>

3. To invite the member states, taking into consideration the experience of the Comprehensive Regional Protection and Solutions Framework (MIRPS) or similar initiatives, to develop or update their own frameworks for prevention, protection, and solutions for asylum seekers, refugees, internally displaced persons, and returnees with protection needs, and to work together to develop mechanisms for regional cooperation and shared responsibility, with the participation of all relevant actors.

4. To instruct the CAJP to follow up on this resolution and to report thereon on an annual basis, encouraging the exchange of experiences and best practices that have been implemented

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18. While the United States supports regional efforts to increase burden-sharing and protection for refugees, we underscore our understanding that none of the provisions in this section of the ...



by member states, with support and technical assistance from the OAS General Secretariat and the United Nations High Commissioner for Refugees.

## II. FOLLOW-UP AND REPORTING

### RESOLVES:

1. To instruct the General Secretariat to submit during the third quarter of 2018, through the areas responsible for follow-up and execution of activities in connection with the purposes of this resolution, the plan of activities that it will carry out in the 2018-2019 period for consultation or proper oversight by member states.

2. To request the Permanent Council to instruct the CAJP to include in its agenda the following matters covered by this resolution, prior to the forty-ninth regular session of the General Assembly with a view to promoting exchanges of experiences and best practices:

- “Towards Autonomous Official Public Defenders as a Safeguard of Integrity and Personal Liberty.” The holding, in the first quarter of 2019, of a seventh special meeting of the CAJP on the mechanisms for detention center monitoring that are in place in each official public defender institution in the region, to be attended by the member states and their respective official public defender institutions that provide legal assistance, members of the AIDEF, of the IACHR, through its Rapporteurship on the Rights of Persons Deprived of Liberty in the Americas, and experts from the academic community, civil society, and international organizations. Attendance by members of the AIDEF will be guaranteed by that organization.
- “Updating of the Program of Action for the Decade of the Americas on the Rights and Dignity of Persons with Disabilities, and support for the Committee for the Elimination of all Forms of Discrimination against Persons with Disabilities.” Holding of a meeting of the CAJP to consider topics such as raising societal awareness, labor inclusion, and education, among others, with participation by the member states, national experts, the academic community, and civil society, as well as international organizations, for the sharing of best practices and national experiences. This meeting will be held in the last quarter of 2018, in the context of the International Day of Persons with Disabilities, with resources allocated to the CAJP.

3. To request the Permanent Council to report to the General Assembly at its forty-ninth regular session on the implementation of this resolution. Execution of the activities envisaged in this resolution will be subject to the availability of financial resources in the program-budget of the Organization and other resources.



PROGRAM OF ACTION FOR THE DECADE OF THE AMERICAS FOR THE RIGHTS  
AND DIGNITY OF PERSONS WITH DISABILITIES (2016–2026)

THE MEMBER STATES OF THE ORGANIZATION OF AMERICAN STATES,

BEARING IN MIND the Charter of the Organization of American States (OAS), the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights—the Protocol of San Salvador, and the Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities;

STRESSING that the member states of the OAS have focused on persons with disabilities in various resolutions, among which resolution AG/RES.1249 (XXIII-O/93) “Situation of Persons with Disabilities in the American Hemisphere,” resolution AG/RES.1356 (XXV-O/95) “Situation of Persons with Disabilities in the American Hemisphere,” and resolution AG/RES.1369 (XXVI-O/96) “Panama Commitment to Persons with Disabilities in the American Hemisphere,” as well as in various declarations, such as the 1993 Declaration of Managua and the 2005 Declaration of Panama by the Fourth Summit of the Heads of State and/or Government of the Association of Caribbean States;

ALSO BEARING IN MIND that various instruments have been adopted globally to set the guidelines for disabilities, focusing on providing services to persons with disabilities and establishing their rights, in particular, the United Nations Convention on the Rights of Persons with Disabilities (2006),

RECOGNIZING AND RESPECTING the multicultural and multilingual character of persons with disabilities among indigenous peoples and cultures and the importance of their contribution to the development, plurality, and cultural diversity of our societies, the commitment to their participation in this new Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (PAD) to 2026 is reiterated in order to address the intersectional nature of all of its variables aimed at achieving economic and social well-being, respecting their human rights and cultural identity;

VALUING the importance of the United Nations Declaration “Transforming our world: the 2030 Agenda for Sustainable Development,” which contains the Sustainable Development Goals (SDGs) for 2015-2030 to promote the development and social inclusion of persons with disabilities using a cross-cutting approach and, specifically, with some concrete goals;

RECALLING the Proclamation of 1981 as the International Year of Disabled Persons, the Proclamation of the International Day of Disabled Persons (1992), the Final Report of the Special Rapporteur of the Commission for Social Development on Monitoring the Implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1996), and resolution 2005/65 of the United Nations Human Rights Committee “The Human Rights of Persons with Disabilities”;

HAVING PROGRESSED IN IMPLEMENTING the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities, adopted at the thirty-sixth regular session of the General Assembly of the OAS, held in Santo Domingo, Dominican Republic, in June 2006, and

CONSIDERING resolution AG/DEC. 89 (XLVI-O/16), approved at the second plenary session of the forty-sixth regular session of the General Assembly of the OAS, held on June 14, 2016, whereby a ten-year extension up to the year 2026 was approved; and resolution AG/RES. 2908 (XLVII-O/17) "Promotion and Protection of Human Rights" adopted at the forty-seventh regular session of the General Assembly, Chapter x, pp.104 and 105,

HEREBY ADOPT THE FOLLOWING PROGRAM OF ACTION:

## I. VISION

By the year 2026, the member states will have consolidated substantive progress in building an inclusive society, one based on solidarity, accessible to all, and recognizing the full and egalitarian enjoyment and exercise of human rights and basic liberties of persons with disabilities, eliminating social prejudices, stereotypes, and stigmas and the many discriminations against groups in situations of vulnerability and/or who have been historically discriminated against, which prevents their development and full and effective participation and inclusion in society.

Persons with disabilities must be recognized and appreciated for their effective and potential contributions to the general welfare, diversity, and respect for their plurality, in both urban and rural areas, and inside groups in situations of vulnerability and/or who have been historically discriminated against.

## II. MISSION

The member states pledge to prevent persons with disabilities from being victims of multiple discrimination, focusing special attention on discrimination because of their belonging to other groups in situations of vulnerability and/or who have been historically discriminated against.

The member states pledge to carry out national, regional, and local programs, recognizing, promoting, and protecting their human rights to mitigate the harmful impact of poverty and inequality on persons with disabilities compared to the rest of the population, in view of their situation of vulnerability, discrimination, and exclusion, recognizing, promoting, and protecting their human rights.

The States Parties pledge to harmonize their domestic legislation with the principles and standards of international human rights law in this area, enshrined in Article 12 of the CRPD as interpreted by General Comment No. 1 of the UN Committee on the Rights of Persons with Disabilities.

The member states pledge to adopt gradually and irreversibly administrative, legislative, and judicial measures, as well as the public policies needed, to the utmost of their available resources and,

when necessary, in the framework of international cooperation, in order to progressively achieve the full exercise of the rights of persons with disabilities, without detriment to the rights that are immediately applicable by virtue of international law for the effective application of the present Program of Action, stemming from the extension of the Decade of the Americas for Persons with Disabilities (to the year 2026), in the domestic legal system, so that persons with disabilities can be on an equal footing with other persons and improve their living conditions.

They also pledge to remove administrative, judicial, or any other kind of practices that are not compatible with the vision and goals of the PAD, immediately adopting measures conducive to this end, in order to ensure that persons with disabilities are on an equal footing with other persons.

### III. GOALS

#### 1. Awareness-raising of society

To ensure promotion of knowledge about the situation of persons with disabilities, recognition of all of their human rights, protection of their dignity, their due valuation, as well as the elimination of all forms of discrimination and all constraints in terms of culture and attitudes, including social prejudices, stereotypes, and stigmas and many discriminations because of their belonging to other groups in situations of vulnerability and/or who have been historically discriminated against that prevent their development and their full and effective participation and inclusion in society.

#### 2. Health

To broaden, enhance, and ensure the access of persons with disabilities to health services, including sexual and reproductive health services, on an equal footing with other persons and ensuring that existing services mainstream the disability perspective and, when relevant, adding that of other groups in situations of vulnerability and/or who have been historically discriminated against, especially to the services required as a consequence of their situation of disability, including prompt detection and intervention, when appropriate, and services aimed at preventing and reducing to the utmost the appearance of new deficiencies or the aggravation of those already existing. It shall be guaranteed that all health services shall be provided on the basis of the free and informed consent of the person with the disability. Also, to promote the related investigation with treatment, rehabilitation, and prevention in order to reduce to the utmost the appearance of new disabilities.

#### 3. Rehabilitation and empowerment

To promote multidimensional systems of rehabilitation and empowerment for persons with disabilities that envisage addressing their disabilities throughout their life cycle, focusing on them at an early age and during childhood, encouraging availability, knowledge, and the use of assistive technologies and devices aimed at persons with disabilities and the training of professionals.

#### 4. Education

To ensure and guarantee that persons with disabilities have access, on an equal footing with other persons and without any discrimination, to quality education, with cultural and inclusive

relevance, including their registration, permanence, progress, grading, accreditation, and certification in the education system at all levels, as well as lifelong learning, that would facilitate their development to the maximum of their personality, talents, and creativity, as well as their full inclusion and participation in all areas of society.

5. Work and employment

To guarantee, for persons with disabilities, full, decent, and paid inclusion in the labor force in all spheres of productive activities, in both the public and private sectors, on the basis of technical and vocational training, as well as equal opportunities for work, including the availability of accessible occupational and working environments, in line with the domestic regulatory frameworks of each country, and to ensure the provision of reasonable adjustments to this end.

6. Accessibility

To ensure the autonomous and safe access of persons with disabilities, taking into account cultural relevance and, on an equal footing with other persons, the physical environment, spaces, urban facilities, buildings, transportation services, and other services, whether public or open to the public, in both urban and rural areas, as well as guaranteeing access of persons with disabilities to information and communication systems and technologies, regardless of the technological platform involved; which includes both computer software and hardware, their interaction, and availability.

7. Citizen, political and social participation

To ensure the full and active participation and inclusion of organizations representing persons with disabilities and persons with disabilities, while respecting their political ideology, with special emphasis on women with disabilities, in public and political life, including the effective exercise of the right to vote and to run for office at all levels, with accessible electoral materials, procedures, and facilities.

Their participation in drafting, adopting, and evaluating public policies aimed at protecting and promoting their rights, on an equal footing with everyone else, shall also be promoted and guaranteed, as well as the promotion and facilitation, on the basis of various forms of support, of their participation in their own organizations and those representing them, encouraging the participation of persons with disabilities living in rural and remote areas, including those belonging to indigenous or Afro-descendant peoples or communities.

8. Participation in cultural, artistic, sports, and leisure activities

To guarantee the participation of persons with disabilities in cultural and artistic life, sports, leisure, recreation, and tourism, and to promote a culture of accessible tourism, as well as any other activity that might promote social inclusion and the integral development of individuals on an equal footing. The use of technical means shall also be promoted to develop creative, artistic, and intellectual capacities in their various manifestations.

9. Development, well-being, and social inclusion

To promote the social inclusion and development of persons with disabilities, on an equal footing with other persons, ensuring access to welfare and social security programs, which include their families, as well as to guarantee that, in the poverty abatement and elimination programs that are undertaken, the additional expenses associated with disability conditions are duly taken into account.

10. Exercising legal capacity

To ensure the support and safeguards needed for the effective exercise of the legal capacity of persons with disabilities.

11. Personal autonomy and independent living

To guarantee the legal and material conditions for the full enjoyment of personal autonomy and independent living of persons with disabilities.

12. Access to justice

To ensure that persons with disabilities have access to justice on an equal footing with other persons, guaranteeing the provision of reasonable adjustments to this end.

13. Emergency, catastrophic, and disaster situations

To guarantee the integral management of person with disabilities in a situation of risk, taking into account their needs before, during, and after the emergency, including their assistive products or means of personal assistance in order to safeguard their autonomy, displacement, and independence.

14. Life without violence

To guarantee that persons with disabilities do not suffer from situations of violence for any reason and under any context, ensuring the full and effective participation of organizations of persons with disabilities in creating mechanisms to eliminate and address violence. To ensure that persons with disabilities who have been victims of violence and abuse have an egalitarian access to the mechanisms for investigating and punishing said incidents, guaranteeing the provision of reasonable adjustments needed to this end.

15. International cooperation

To ensure the participation of the organizations of persons with disabilities in all international cooperation plans, programs, and projects as an effective instrument of support for regional and national efforts, for the purpose of creating the full inclusion of, and nondiscrimination against, persons with disabilities, preventing their exclusion.

#### IV. CONCRETE ACTIONS

##### 1. Awareness-raising of society

##### A. Education and dissemination

- a. To promote the development of inclusive public plans, programs, and policies at all levels of the education system, so as:
  - 1) To create and build up a culture of positive perception about the human potential, self-determination, and individual independence, knowledge, merits, skills, and contributions to society by persons with disabilities, promoting respect for, and protection of, their dignity and rights.
  - 2) To mainstream the human rights approach and disabilities into academic curriculums and study programs, using a cross-cutting approach, with special emphasis on the issue of groups in situations of vulnerability and/or who have been historically discriminated against.
  - 3) To establish training programs aimed at civil servants from all branches of government and at the private sector on promoting and protecting human rights and basic liberties of persons with disabilities, focusing on the elimination of derogatory terms, social stigmas, uses, and customs that involve deeply rooted prejudices, stereotypes, and discriminatory attitudes against persons with disabilities.
- b. To undertake and continue public awareness-raising campaigns on persons with disabilities, including the following actions:
  - 1) To promote a positive image of persons with disabilities in local and national media, respecting diversity and fostering equal opportunities, including a perspective for groups in situations of vulnerability and/or who have been historically discriminated against.
  - 2) To mainstream in government actions or advertising campaigns those practices that integrally promote the social inclusion of persons with disabilities, taking into consideration accessibility criteria.
  - 3) To establish legal and judicial mechanisms so that persons with disabilities, through the organizations that represent them, can play a role in how their image is used in all



advertising campaigns by public or private institutions, in all media or communication systems.

- 4) To develop awareness-raising and training programs about Universal Design aimed at the public and private sectors.

B. Support role of civil society

To foster the creation of social networks, community support groups, or volunteers that promote recognition and protection of the rights of persons with disabilities and their full and effective participation in society.

2. Right to health

A. Promotion and protection of health

- a) To guarantee the access of persons with disabilities to health services, on an equal footing with other persons and with due attention to their specific needs because of their disability, in the most inclusive environment possible, as well as to guarantee the access of women, girls, and adolescents with disabilities to health services, with the required adjustments made to ensure quality comprehensive care.
- b) To guarantee that states adopt concrete and effective legislation and measures to ensure that all persons with disabilities benefit from procedures that enable them to provide their free and informed consent for medical treatments, with the application of reasonable accessibility, support, and adjustment measures.
- c) To provide persons with disabilities free or affordable health programs and services, with the same diversity and quality as those provided to other persons, including in the area of sexual and reproductive health and public health programs aimed at the general population.
- d) To promote training and accessibility of healthcare service establishments, in terms of both infrastructure and equipment and human resources, for providing services to persons with disabilities.
- e) To guarantee due and timely quality healthcare services to persons with disabilities, taking into consideration their belonging to groups in situations of vulnerability and/or who have been historically discriminated against, and to provide, free of charge or at affordable prices, the treatments and medicines needed, as well as to prevent the deterioration of health or worsening of the deficiency, while

respecting their autonomy and on the basis of their free and informed consent.

- f) To design and implement educational strategies that promote healthy lifestyles for persons with disabilities.
- g) To ensure access of persons with disabilities, on an equal footing with other persons, to the physical premises, information, and communications of establishments that provide health services in both urban and rural areas and indigenous territories, including the training of healthcare professionals to transmit this information in language that is easy to understand, planning for sign language interpreting services and interpreter-guides.
- h) To ensure that all information provided by the healthcare sector is available in the modes, means, forms, and formats that are accessible to, and apt for use by, persons with disabilities.

3. Rehabilitation and empowerment

A. Rehabilitation

- a) To develop comprehensive rehabilitation policies and programs that ensure the full inclusion, participation, and development of persons with disabilities.
- b) To promote among international organizations and regional and international funding and cooperation bodies, as well as cooperating countries, their development or funding of research activities relative to treatment, rehabilitation, and prevention in order to reduce to the utmost the appearance of new disabilities.
- c) To promote the availability of, and access to, assistive technical, technological, and biomechanical products, specialized mobile devices and applications for persons with disabilities, taking into account their socioeconomic, geographical, and cultural conditions.
- d) To strengthen existing empowerment and rehabilitation services so that all persons with disabilities can gain access to the services they need, close to their place of residence, including in rural areas and indigenous and Afro-descendant territories.
- e) To promote community-based empowerment and rehabilitation strategies with emphasis on primary healthcare services, integrated into the health system and adjusted to the specificities of each country, with the participation of organizations representing persons with disabilities in designing and implementing them.

- f) To promote the adequate training of professional and technical staff for the provision of comprehensive services to all persons with disabilities, as well as in their ethical responsibility in terms of the autonomy of persons with disabilities and obtaining their free and informed consent for any medical treatment.
- g) To promote the development of specific national training and education programs for the production and supply of equipment, assistive technical and biomechanical products, specialized mobile devices and applications, as well as the participation of persons with disabilities in these programs.
- h) To take measures for the establishment of intersectoral commitments and programs that coordinate actions for achieving the integral rehabilitation of persons with disabilities since childhood.

B. Empowerment

- a) To promote quality early stimulation programs aimed at developing the potential and skills of children with disabilities, especially during early childhood, in accordance with their specific needs.
- b) To organize and broaden general empowerment services and programs, in particular in the areas of health, employment, education, and social services that contribute to the inclusion and participation of persons with disabilities in the community.

4. Education

- a. To reassert the commitment to transitioning from special education to inclusive education.
- b. To guarantee the inclusion of persons with disabilities in the general education system, in an inclusive environment and with quality education services, considering cultural relevance.
- c. To ensure that persons with disabilities are not excluded from the general education system because of their disabilities and that children and adolescents with disabilities are not excluded from free and mandatory primary and secondary school education because of their disabilities. Also, to guarantee the access of students with disabilities to technical, higher, and vocational training, among other actions, promoting the granting of scholarships to this end.
- d. To ensure that persons with disabilities have general access to higher education, vocational training, education for older persons, virtual education,

education in gender equality, sexual and reproductive health, and lifelong learning, without any discrimination and on an equal footing with everyone else. To this end, states shall ensure that the reasonable adjustments that are needed be made.

- e. To provide the necessary didactic and teaching resources to meet the specific educational needs of the students according to their disabilities, including textbooks and reading materials in accessible modes, means, forms, and formats.
- f. To guarantee the participation and interaction of students with disabilities in all areas of school and academic life, as well as all extracurricular activities, which include, among others, securing their participation in the decisions that are taken with respect to reasonable adjustments in the teaching-learning and grading process.
- g. To eliminate illiteracy among persons with disabilities by means of effective public policies.
- h. To implement learning of the Braille reading and writing system, alternative writing, others forms and modes of alternative and augmentative communication, orientation and mobility skills, the learning of sign languages, and the promotion of the linguistic and cultural identity of deaf persons.
- i. To ensure that deaf persons obtain quality and inclusive education and bilingual education in sign and native languages, respecting multiculturalism with local, regional, and national characteristics.
- j. To ensure the dismantling of physical, communicational, technological, and attitudinal barriers preventing students with disabilities from having access to all levels of education.
- k. To promote continuing and specialized training and education in inclusive education for teachers of all levels of education and for other professionals that fosters the drafting and development of inclusive education policies, with emphasis on respect for human rights and basic liberties.
- l. To guarantee access of students with disabilities to information and communication technologies in the education system.

5. Work and employment

- a. To guarantee to persons with disabilities the right to decent employment chosen autonomously and independently in open, inclusive, and accessible working environments, in accordance with their capacities and competencies, with all the guarantees provided by law, the possibility of

advancement and being promoted and wage-earning equality on an equal footing with others, respecting their right to work and belong to a trade union.

- b. To strengthen the labor inclusion of persons with disabilities and affirmative actions for the development of the regulatory framework, public policies, plans, and programs in the area of employment and economic development.
- c. To implement national employment services that make it possible to provide formation, training, brokering services, recruitment, job adaptation, implementation of reasonable adjustments, permanence, and performance evaluation of persons with disabilities on the labor market.
- d. To promote the creation of house-based or distance work (telecommuting) using information and communication technologies as a means to facilitate greater opportunities on the labor markets for persons with disabilities.
- e. To promote the hiring of persons with disabilities in the private sector on the basis of affirmative action policies, fiscal incentives, subsidies, or special funding, among other similar actions.
- f. To provide incentives for entrepreneurial opportunities for persons with disabilities, free-lance work, the establishment of cooperatives, and the creation of micro and small businesses, as well as consolidation of those that already exist.
- g. To stimulate public and private entities to engage in the purchase and procurement of goods and services provided by the micro and small businesses of persons with disabilities.
- h. To support persons with disabilities in developing production projects and promoting products from micro and small businesses, considering the creation of funds and flexible lines of credit for such purposes.
- i. To adopt measures to guarantee that workers with disabilities who work on a permanent or intermittent basis as day laborers or in the building industry can enjoy the protection granted by law and national practices to other workers in the same sectors, in the framework of labor security and health, in particular to persons with disabilities belonging to other groups in situations of vulnerability and/or who have been historically discriminated against.
- j. To promote efforts to ensure that actions aimed at recognizing the labor capacity of workers with disabilities is taken into consideration in trade union collective bargaining agreements.
- k. To implement effective policies to support the family or community work of persons with disabilities.

1. All the information about job supply and/or merit-based competitions for civil service jobs; job training and education; economic development, promotion and creation of small and medium-sized enterprises and the solidarity-based sector must be presented in accessible modes, means, forms, and formats for each type of disability. Internet platforms and websites must be accessible and guarantee interaction with persons with disabilities.

6. Accessibility

- a. To guarantee compliance with the technical norms of access to physical premises, transportation, communications, and information and communication technologies, mainstreaming international standards into national legislation and public policies, among others, in accordance with General Comment No. 2 (2014) on Article 9: Accessibility of the United Nations Committee on the Rights of Persons with Disabilities.
- b. To promote the adoption and/or strengthening of legislative measures that might be needed:
  - 1) To guarantee, for persons with disabilities, accessibility to all goods and services provided by public institutions ensuring their easy use and interaction.
  - 2) To guarantee, for persons with disabilities, accessibility to all goods and services co-funded by public or cooperation resources ensuring their easy use and interaction.
  - 3) To guarantee, for persons with disabilities, full access to information, communication, and management of services of public interest that are offered online or electronically.
  - 4) To guarantee, for persons with disabilities, access to the autonomous use and management of personal and electronic payment systems.
  - 5) To guarantee, for persons with disabilities, access to information affixed to consumer products.
- c. To guarantee the full participation of persons with disabilities in designing, adjusting, implementing, and monitoring legislation, public policies, and administrative decisions in terms of access to physical premises, transportation, and information and communication technologies.
- d. To promote the dismantling of existing urban and architectural barriers in all public institutions.

- e. To take measures to ensure that all buildings or services and facilities for public use envisage universal accessibility and to foster said practice in the private sector.
- f. To promote the dismantling of existing barriers in all means of transportation to facilitate the access of persons with disabilities, aimed at guaranteeing that information relative to transportation systems takes into consideration the use of forms of transmitting information such as written language, sign languages, the Braille reading and writing system, auditory information, pictorial and high-relief information, easy-to-understand wording, and other alternative and augmentative means of communication.
- g. To guarantee the autonomous and independent access of persons with disabilities to ICTs, virtual portals, websites, multimedia contents, books regardless of their original format, the Internet, and social networks. To this end, states may wish to consider, depending on the case, the possibility of granting subsidies, tax exemptions, and access to funding plans aimed at acquiring these new systems and technologies, in line with the needs of each person with a disability.
- h. To guarantee interpreting and translation services in sign languages and interpreter-guides for deaf persons, deafblind persons, and language-minority groups with disabilities, promoting professional development and the certification needed for interpreters, translators, and interpreter-guides.
- i. To guarantee accessible facilities and services for persons with disabilities who have been displaced by armed conflicts, disasters, and emergencies, forced migration, or any other reason requiring their displacement.
- j. To guarantee the availability and usability of suitable technologies at affordable prices that guarantee the independent, autonomous, and egalitarian access of persons with disabilities to information and communications. They include alternative and augmentative devices, subtitles, screen readers and magnifiers, as well as other systems of personal support.

7. Citizen, political, and social participation

- a. To ensure the exercise of citizen rights and duties and basic liberties of persons with disabilities, harmonizing any regulatory framework, policy, or practice that would prevent or hamper their participation in the citizen, political, and social sphere.
- b. To guarantee, on an equal footing with other persons, the full participation of persons with disabilities in elections, whether as voters or candidates running for office, taking into consideration the necessary mechanisms of accessibility, including assisted voting by a person of their own choosing,

electronic voting, and distance voting, among others, adjusting electoral systems to this end.

- c. To promote access of persons with disabilities, on an equal footing, to public office and civil service in their respective countries.
  - d. To consult, openly and broadly, persons with disabilities about designing, drafting, implementing, and monitoring legislation, administrative decisions, and public policies, especially those involving political, citizen, and social participation, as well as all the decisions directly affecting them, including persons with disabilities belonging to groups in situations of vulnerability and/or who have been historically discriminated against.
  - e. To promote the participation in, and establishment of, organizations of persons with disabilities, as well as coordinating these organizations for the purpose of strengthening their participation in the debate on public policies at all levels and consolidating the defense of their interests. Also to promote the creation of a funding mechanism that would make it possible for organizations of persons with disabilities, representing groups in situations of vulnerability and/or who have historically been discriminated, to build up their management.
  - f. To promote formation and training policies aimed at the organizations representing persons with disabilities, in order to develop their public affairs management skills.
  - g. All information about human rights and basic liberties, international humanitarian law, and political, electoral, and citizen participation must be presented in modes, means, forms, and formats that are accessible to each type of disability.
  - h. To promote the participation of organizations representing persons with disabilities so that they can encourage political parties to include proposals for the enforcement of the rights of persons with disabilities into their campaigns and platforms.
8. Participation in cultural, artistic, sports, and leisure activities
- a. To guarantee, by means of national plans of action, the inclusion of persons with disabilities in cultural, artistic, sports, and leisure activities, as well as to ensure their participation and that of their sports and cultural organizations in designing, adapting, implementing, and monitoring legislation, administrative decisions, and public policies for sports, leisure, entertainment, and culture.
  - b. To earmark resources to foster the cultural, traditional, artistic, sports, and leisure activities of persons with disabilities.



- c. To foster the practicing of high-performance sports of persons with disabilities in recreational, leisure, and well-being modalities, involving national entities responsible for these areas.
  - d. To promote the creation and sustainability of high-performance sports entities for persons with disabilities, guaranteeing that they benefit from the relevant institutional structure and equipment.
  - e. To strengthen, in technical, administrative, and financial terms, sports organizations for persons with disabilities.
  - f. To guarantee access to, and use of, accessible sports facilities, materials, and equipment for persons with disabilities to practice sports.
  - g. To promote conditions of accessibility to tourism, recreational and leisure services, and cultural, sports, and other public events.
  - h. To promote the training of persons with disabilities so that they can work in the tourism, culture, sports, and leisure sectors.
  - i. To foster the training of operators of tourism infrastructure about the adequate treatment of persons with disabilities in order to prevent attitudes underrating them, leading to discrimination and restricting their access to, use, and enjoyment of tourism.
  - j. To guarantee, for persons with disabilities, access to all cultural assets and products, regardless of their modes, means, forms, and formats, such as printed matter, dance, theater, and audiovisual products.
  - k. To stimulate the training and professional development of persons with disabilities in artistic activities and to design programs that foster the cultural production of persons with disabilities and the communication, broadcasting, and dissemination of their cultural works and products.
  - l. To guarantee that children with disabilities have access, on an equal footing with other persons, to recreational, leisure, cultural, and sports facilities, plans, programs, and services.
9. Development, well-being, and social inclusion
- a. To ensure the participation of persons with disabilities in social and economic development by building up their capacities and fostering their productive and sustainable activities.
  - b. To guarantee access of persons with disabilities, in particular those belonging to groups in situations of vulnerability and/or who are historically

discriminated against, to social welfare programs and poverty abatement strategies, duly considering the additional expenses required or heightened by the condition of having a disability, taking into consideration, among other variables, the type of disability.

- c. To ensure access of persons with disabilities and their families, on an equal footing, to food security programs, clean water supply, basic sanitation, and housing, implementing to this end affirmative actions that ensure their effective access to, and enjoyment of, rights.
- d. To design mechanisms to ensure a level playing field for opportunities making it possible to absorb the costs of assistive products and technologies that guarantee the autonomy, independence, and security of persons with disabilities for the enjoyment of an independent life.
- e. All information about social, welfare, nutrition, food security, clean water, environmental sanitation, and housing plans, programs, and projects must be presented in modes, means, forms, and formats that are accessible to persons with any type of disability. Internet platforms and websites must be accessible and must ensure that persons with disabilities can interact with them.
- f. To create development and welfare programs for the families of children and adolescents with disabilities to make sure poverty is not an impediment to their inclusion.

10. Exercise of legal capacity

- a. To eliminate the substitute decision-making [guardianship] model for persons with disabilities and to develop relevant actions to provide access to the support these persons might need to exercise their legal capacity, as well as to take decisions.
- b. To provide adequate and effective safeguards to prevent abuses and ensure respect for the rights, will, and preferences of persons with disabilities.
- c. To design and implement a Continuing Training Program aimed at all operators of justice, in coordination with institutions specializing in issues involving the recognition of the legal capacity of persons with disabilities.
- d. To guarantee, for persons with disabilities, access to information by means of assistive systems and services and reasonable adjustments so they can make their own decisions directly, in order to guarantee the free exercise of their legal capacity, using the visualization of texts, the Braille reading and writing system, touch communication, Macrotype, easy-to-access multimedia devices, written language, hearing systems, subtitling,

interpreters and translators of sign languages, native and interpreter-guides, materials in easy-to-understand language and pictograms, among others.

- e. To call on the agencies and institutions involved, as well as the organizations representing persons with disabilities and their families, to design, create, and implement assistive services for persons with disabilities so they can exercise their legal capacity.

11. Personal autonomy and independent living

- a. To guarantee the right of persons with disabilities to live in the community, making sure they have the opportunity to choose their place of residence and with whom to live, on an equal footing with other persons.
- b. To promote the access of persons with disabilities to home-based care and other community support services to facilitate their existence and inclusion in the community and to prevent them from being isolated.
- c. States shall facilitate, by means of public programs and fiscal incentives, the access to and usability of assistive technologies and equipment for independent living, promoting mechanisms for their low-cost production.

12. Access to justice

- a. To ensure that persons with disabilities have access to justice on an equal footing with other persons.
- b. To guarantee the existence of a regulatory framework that facilitates and enables the implementation of procedural adjustments when a person with a disability participates in a judicial proceeding, at all stages of the proceeding. Such measures must take into consideration aspects relative to accessibility, belonging to other groups in situations of vulnerability, and/or who have been historically discriminated against, modality of the disability, among others.
- c. To guarantee the access to justice by providing adequate training and education to those working in the administration of justice, including civil servants of the judiciary, security personnel, and penitentiary staff.
- d. To implement effective measures to monitor the conditions in which persons with disabilities who are deprived of their liberty are living, for the purpose of ensuring that the situation of disability shall not be an aggravating factor when serving a prison sentence, arising from greater constraints on their rights or greater limitation on activities that other persons deprived of liberty can carry out. Reasonable adjustments and the right to rehabilitation, as well as the elimination of all forms of discrimination, shall be ensured.

13. Emergency, catastrophic, and disaster situations

- a. To include the cross-cutting perspective of disabilities in all risk prevention and emergency, catastrophe, and disaster service plans and programs, focusing special attention on groups in situations of vulnerability and/or who have been historically discriminated against.
- b. To ensure that all massive dissemination and prevention campaigns are presented in modes, means, forms, and formats accessible to each type of disability.
- c. To ensure training in this matter for public agents and response corps tackling emergencies.
- d. To ensure that the participation of persons with disabilities be considered when carrying out drills and drafting service protocols, guides, and manuals.
- e. To ensure that national and local contingency plans incorporate and identify attention and evacuation centers that are accessible for access and use by persons with disabilities.
- f. To promote the implementation of a voluntary registry of persons with disabilities that would facilitate their identification in the event of an emergency, catastrophe, or disaster.
- g. To ensure that the channels of humanitarian aid include equipment, products, and elements that take into consideration attention given to persons with disability.
- h. To include the perspective of disability in reconstruction processes subsequent to emergencies, catastrophes, and disasters, applying principles of universal accessibility and design, focusing attention on the specific needs of persons with disabilities.

14. Life without violence

- a. To ensure that all public and private institutions in charge of duly preventing, protecting, defending, and redressing the exploitation, violence, and abuse of groups in situations of vulnerability and/or who have been historically discriminated against include guarantees for accessible and quality protection, defense, redress, assistance, and services for persons with disabilities in all of its policies, programs, plans, projects, and actions.
- b. To implement measures to prevent, eliminate, and punish all forms of violence perpetrated in the public or private sphere against persons with disabilities, especially obstetric violence against women with disabilities.

- c. To establish comprehensive care and protection mechanisms, measures, and policies for victims with disabilities, as well as to redress the harm caused.
- d. To incorporate the denial of reasonable adjustments in any sphere of life of persons with disabilities as an act of discrimination.
- e. To conduct dissemination campaigns on accessible modes, means, forms, and formats that highlight the situation of higher vulnerability and risk of violence among persons with disabilities, especially in those groups in situations of vulnerability and/or who have been historically discriminated against.
- f. To promote, coordinate, and strengthen coordination networks and mechanisms at the intergovernmental and intersectoral levels, in organizations of persons with disabilities, and in the private sector, in order to address and prevent all kinds of violence against persons with disabilities.
- g. To include accessible modes, means, forms, and formats into general awareness-raising campaigns about various types of violence, as well as about the prevention, reporting, and punishment of this violence.
- h. To design, implement, execute, and monitor the plans, programs, and projects of national mechanisms for the protection against torture and other cruel, inhuman, or degrading treatment or sentences, for the education, awareness-raising, and prevention of all forms of torture and other cruel, inhuman, or degrading treatments or sentences against persons with disabilities, emphasizing the measures of action for institutionalized persons with disabilities or residents in care institutions or related entities.
- i. To prevent, forbid, and punish the mistreatment, sexual abuse, and exploitation of persons with disabilities, especially in the domestic and institutional sphere, in particular groups with disabilities in situations of vulnerability and/or who have been historically discriminated against, in the framework of national regulatory frameworks.

15. International cooperation

- a. To promote, from the OAS framework and in the international sphere, programs and projects for the exchange of experiences and information, training, skills creation, and institutional capacity building among states, multilateral organizations, the private sector, civil society organizations, and organizations that represent persons with disabilities.
- b. To promote and foster other cooperation initiatives among OAS member states, as a genuine mechanism for solidarity in the Americas to design and implement programs and projects that facilitate the exchange of experiences and information, strengthening human and institutional capacities, with the

collaboration and participation of multilateral organizations and organizations of persons with disabilities.

- c. To promote the establishment of a fund comprised of volunteer contributions making it possible for persons with disabilities to participate in related forums in order to build up their capacities.
- d. To instruct bodies, organs, and entities of the OAS, as well as other inter-American institutions, to collaborate with the General Secretariat in all planning and implementation aspects in the area of disabilities.
- e. To encourage specialized organizations of and for persons with disabilities to support the Secretariat and the member states in implementing the Program of Action, in line with the guidelines for the participation of civil society in OAS activities, as well as its follow-up and the general and specific assessment of the progress made by the states, under the third subparagraph of Article 33 of the CRPD.
- f. To ensure that all international cooperation projects launched, promoted, funded, or co-funded with resources from the Inter-American System or multilateral organizations guarantee the inclusive and sustainable development of persons with disabilities.
- g. To launch, promote, and create mechanisms that ensure the cross-border exchange of cultural and technological assets and products that are accessible for persons with disabilities.
- h. All information associated with international cooperation projects and programs must be presented in accessible modes, means, forms, and formats for each type of disability. Internet platforms and websites must be accessible and must guarantee the interaction of persons with disabilities.

## V. STRATEGIES

1. States make a political commitment to put this Program of Action into practice, mainstreaming it into the corresponding national plans, for which they shall allocate the resources needed and shall ensure their timely and proper implementation, follow-up, and evaluation.
2. Without detriment to adopting the national measures needed, states shall review, harmonize, update, and improve their legislation for the purpose of adapting it to a hemispheric vision, to ensure the effectiveness of this Program of Action and its compatibility with international human rights instruments.

3. When preparing, developing, and implementing the corresponding legislative norms, states shall work in close collaboration with persons with disabilities and with organizations of and for persons with disabilities.
4. States shall promote the capacity building of organizations of persons with disabilities, for the purpose of creating capacity for action to strengthen state initiatives and create optimal conditions for the drafting of public policies that guarantee the enforcement of rights and respect for the inherent dignity of persons with disabilities.
5. States shall promote training or capacity building of government bodies for the coordination and implementation of international treaties and the present Program of Action, in fulfillment of international obligations and the Sustainable Development Goals associated with persons with disabilities.
6. To promote the training or capacity building of government institutions that enforce the Paris Principles for the protection of the rights of persons with disabilities.
7. To promote regional harmonization of the standards and methodologies to gather information and disaggregated statistics, as well as use a standardized classification of the classes, types, and subtypes of disabilities, bearing in mind the classifications made by the World Health Organization (WHO) and the Washington Group on Disability Statistics (WG), in order to benefit from comparable national databases and the standardization of statistical information, with indicators on the quality of living of persons with disabilities that contribute to drafting effective public policies, as well as comparability in the region.
8. To strengthen mechanisms of access of the public to government information, transparency, and accountability that facilitate processes of follow-up and evaluation of the implementation of public policies for the benefit of persons with disabilities.
9. To guarantee respect for confidentiality and the proper use of statistical information, which can never be used against the rights of persons with disabilities.
10. To assign support, monitoring, and follow-up on the present Program of Action to an independent mechanism with the participation of the states and organizations of and for persons with disabilities, whose purpose shall be to plan activities conducive to the achievement of its concrete goals and actions, as well as to provide technical support to the member states and the Technical Secretariat.
11. To establish, on the basis of the present Program of Action for the Decade, targets and indicators for each goal and their corresponding concrete actions, for the purpose of ensuring a better implementation and a favorable impact on the improvement of the living conditions of persons with disabilities in the Americas.
12. Periodic reports shall be required and interactive dialogues shall be conducted with States Parties, in coordination with, and to the extent that it is relevant, the

Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities (CEDDIS).



FOOTNOTES

1. ... with universally agreed on international human rights.
2. ... preservation of the rule of law and the protection of human rights and fundamental freedoms of all people, as enshrined in the Constitution of Trinidad and Tobago.
3. ... this section of the resolution to imply that states must join or implement obligations under international instruments to which they are not a party.
5. ... may not be invoked to justify the failure to fulfil a State's international human rights obligations.
6. ... the contents of Title II, "Rights, Duties, and Guarantees," Chapter III, "Equality," and Chapter IV, "The Rights of the Family," of its national Constitution and related provisions. Consequently, it notes its reservation regarding the text of section xii, "and prevention of discrimination and violence against LGBTI persons Human rights and prevention of discrimination and violence against LGBTI persons." Furthermore, the expression "gender identity" as contained in other paragraphs of this resolution will be interpreted in accordance with its domestic laws.
7. ... the Constitution of the Republic of Guatemala and does not discriminate for any reason. It also considers that the lawful nonrecognition of marriage between persons of the same sex is not a discriminatory practice. Guatemala also dissociates itself from those parts that are incompatible with, or contrary to, current national law, and it reserves the right to interpret the terms of section xii.
8. ... international law, international agreements and resolutions to which Saint Lucia is signatory. Saint Lucia vigorously reiterates its adherence to its Constitution, which promotes and protects human rights of all, non-discrimination, fundamental freedoms for all persons, and the preservation of the rule of law. Saint Lucia is committed to the protection of the family as the fundamental cell unit of society in accordance with the Universal Declaration of Human Rights.
9. ... and the Jamaican Constitution. Jamaica, however expresses its reservation regarding terminologies such as "gender identity" and "gender expression," which are not defined in Jamaican law and have not gained international acceptance.
10. ... claim to protection of person and property. The Constitution of the Republic of Suriname stipulates that "no one shall be discriminated against on grounds of birth, sex, race, language, religion, education, political opinion, economic position or any other status."

As a multicultural society, the subject of sexual orientation and gender identity is one that still requires a broad consultation process at the national level, involving all sectors of society, including civil society. While the national process of consultations has already been initiated, so far, no final agreement has been reached on many principles expressed in this resolution, as well as on certain actions that are required with respect to relevant public policies.

The Republic of Suriname would be willing to join in the adoption of this resolution, but places on record that it can only be in a position to acknowledge some of the elements and principles addressed in this resolution once its national consultation process is concluded and consensus is reached on these matters. The Government of Surinam remains committed to the intergovernmentally agreed human rights and fundamental freedoms, as enshrined in the various global human rights instruments.

11. ... the equality of all human beings as enshrined in its Constitution. It is necessary to underscore that some of the terms in this resolution are not defined in the domestic laws of Saint Vincent and the Grenadines or internationally. Accordingly, Saint Vincent and the Grenadines disassociates itself from those terms that are incompatible with and contrary to its national laws, reserving its rights to interpret the terms of this resolution.

12. ... As such, Barbados would not be in a position to meet these requirements. However, the Government of Barbados remains committed to protecting the rights of all from harm and violence, in keeping with the rule of law and the provisions of its Constitution.

14. ... initially placed on the record in 2007 and further elaborated in our footnote to OAS General Assembly resolution AG/RES. 2888 (XLVI-O/16) of June 15, 2016. In particular, we reiterate our view that the focus of the member states of the OAS should be on implementation of the UN Declaration on the Rights of Indigenous Peoples.

16. ... committed to preventing, punishing, and eradicating violence against women and, in particular, prosecuting its perpetrators. Moreover, the United States believes the term “sexual and reproductive health” is open to many interpretations and therefore the United States does not associate itself with this section.

17. ... the establishment of the MIRPS, since Nicaragua has not signed those instruments and, therefore, their effects are not binding upon the Nicaraguan Government.

18. ...resolution create or affect the rights or obligations of States under international law.